

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JULIO CESAR MENDOZA CHAVEZ,
Petitioner,

v.

MICHAEL CHERTOFF, ET AL.,
Respondents

CIVIL ACTION

NO. 05-11379-MLW

ORDER

WOLF, D. J.

On June 29, 2005, Petitioner, Julio Cesar Mendoza Chavez, an immigration detainee confined at the Suffolk County House of Corrections, filed a petition for a writ of habeas corpus under Section 2241. The \$5.00 filing fee was paid and Petitioner is represented by counsel.

ACCORDINGLY,

(1) Petitioner's counsel shall serve a copy of this order and the petition by certified mail upon the respondent Gerard Horgan, Superintendent, Suffolk County House of Corrections; AND counsel for the Respondent: (i) the United States Attorney; AND (ii) Frank Crowley, Department of Homeland Security, Special Assistant United States Attorney, P.O. Box 8728, JFK Station, Boston, MA 02114 by certified mail AND

(2) The Respondents shall file an answer or other responsive pleading within 20 days of receipt of the petition; AND

(3) As part of the response, the Respondents shall advise whether this petition, or any portion thereof, should be transferred to a circuit court, pursuant to the REAL ID Act of 2005, and if so, which circuit court of appeals is the "appropriate" circuit court of appeals, as provided in the REAL ID ACT of 2005. The Respondent shall report as to the status of any prolonged detention claims raised in the petition.

SO ORDERED.

6/30/05
Date

/s/ Mark L. Wolf
MARK L. WOLF
UNITED STATES DISTRICT JUDGE

July 1, 2005

Mr. Frank Crowley
Department of Homeland Security
Special Assistant United States Attorney
P.O. Box 8728
JFK Station
Boston, Massachusetts 02114

Re: Julio Cesar Mendoza Chavez v. Michael Chertoff, Secretary of the Department of Homeland Security; Bruce Chadbourne, Field Director for Detention and Removal, New England Field Office, United States Customs and Immigration Enforcement, Gerard Horgan, Superintendent, Suffolk County House of Corrections, Andrea J. Cabral, Suffolk County Sheriff, Michael Garcia, Assistant Secretary, United States Immigration and Customs Enforcement, and Alberto Gonzales, Attorney General; U.S. District Court for the District of Massachusetts. Case No. 05-11379 MLW

By Certified Mail: 7004 2510 0001 6235 5858

Dear Mr.Crowley:

I am the attorney for the Plaintiff in the above referenced case. Please find enclosed the Order of Judge Mark L. Wolf for an answer or other responsive pleading within 20 days after receipt of the Petition. Also enclosed is a copy of the Complaint, a copy of the Emergency Motion for Stay, along with an appended order from Judge Rya Zobel staying removal and transfer of the Plaintiff and a copy of the Plaintiff's Memorandum in Support of the Emergency Motion.

Please be advised that removal and transfer of Julio Cesar Mendoza Chavez is stayed.

Yours very truly,

Vard R. Johnson

July 1, 2005

Mr. Gerard Horgan
Superintendent, Suffolk County House of Corrections
20 Bradston Street
Boston, Massachusetts 02118

Re: Julio Cesar Mendoza Chavez v. Michael Chertoff, Secretary of the Department of Homeland Security; Bruce Chadbourne, Field Director for Detention and Removal, New England Field Office, United States Customs and Immigration Enforcement, Gerard Horgan, Superintendent, Suffolk County House of Corrections, Andrea J. Cabral, Suffolk County Sheriff, Michael Garcia, Assistant Secretary, United States Immigration and Customs Enforcement, and Alberto Gonzales, Attorney General; U.S. District Court for the District of Massachusetts. Case No. 05-11379 MLW

By Certified Mail: 7004 2510 0001 6235 5841

Dear Mr.Horgan:

I am the attorney for the Plaintiff in the above referenced case. You are one of the Defendants. Please find enclosed the Order of Judge Mark L. Wolf for an answer or other responsive pleading within 20 days after receipt of the Petition. Also enclosed is a copy of the Complaint, a copy of the Emergency Motion for Stay, along with an appended order from Judge Rya Zobel staying removal and transfer of the Plaintiff and a copy of the Plaintiff's Memorandum in Support of the Emergency Motion.

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Yours very truly,

Vard R. Johnson

July 1, 2005

Mr. Michael J. Sullivan
United States Attorney
Department of Justice
Moakley Court House
Suite 9200
1 Courthouse Way
Boston, Massachusetts 02210

Re: Julio Cesar Mendoza Chavez v. Michael Chertoff, Secretary of the Department of Homeland Security; Bruce Chadbourne, Field Director for Detention and Removal, New England Field Office, United States Customs and Immigration Enforcement, Gerard Horgan, Superintendent, Suffolk County House of Corrections, Andrea J. Cabral, Suffolk County Sheriff, Michael Garcia, Assistant Secretary, United States Immigration and Customs Enforcement, and Alberto Gonzales, Attorney General; U.S. District Court for the District of Massachusetts. Case No. 05-11379 MLW

By Certified Mail: 7004 2510 0001 6235 5865

Dear Mr. Sullivan:

I am the attorney for the Plaintiff in the above referenced case. Please find enclosed the Order of Judge Mark L. Wolf for an answer or other responsive pleading within 20 days after receipt of the Petition. Also enclosed is a copy of the Complaint, a copy of the Emergency Motion for Stay, along with an appended order from Judge Rya Zobel staying removal and transfer of the Plaintiff and a copy of the Plaintiff's Memorandum in Support of the Emergency Motion.

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UNITED STATES DISTRICT JUDGE

July 1, 2005

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Department of Homeland Security
Special Assistant United States Attorney
P.O. Box 8728
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Dear Mr.Crowley:

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Department of Justice
Moakley Court House
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